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March 31, 2020

Via ECF

Hon. Kenneth M. Karas, United States District Court Judge
United States District Court, Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: Peter Rutherford, Ana Rutherford, etc. (P.C.R. and A.D.R.) v. Florida Union Free School District, et al., Civil Action No. 16-CV-9778 (KMK); Letter Motion for Extension of Discovery, Pre-motion Request Letters and Adjournment of Conference

Dear Judge Karas:

This office represents the defendant Florida Union Free School District ("FUFSD") in this matter. I am writing to the Court with consent of counsel for all parties, requesting an extension of the discovery deadline in this case, extension of the date for defendant submission of pre-motion summary judgment letters to the Court and for an adjournment of the status conference scheduled before the Court on April 17, 2020. As concerns the extension of the discovery deadline, this is the third request made in this case. As concerns the extension for pre-motion request letters and adjournment of the April 17, 2020 conference, this is the parties' first request.

The defendants had scheduled the depositions of the plaintiff minor, P.R., and defendant FUFSD's deposition of a subpoenaed third-party witness, all of which was set to occur on February 27, 2020. However, due to concerns relating to the coronavirus, those depositions were adjourned and, under current emergency circumstances, have not yet been subject to rescheduling. Together with a March 17, 2020 second request for production of documents from the defendant BOCES, those depositions as of now represent outstanding incomplete discovery in this case.

Pursuant to the Court's February 18, 2020 Order, depositions were to be completed by March 20, 2020, all discovery was to be completed by March 20, 2020, pre-motion letters were due on April 3, 2020, with plaintiffs' response due April 6, 2020 and a status conference scheduled before the Court on April 17, 2020.

Under the current emergency circumstances, and in light of the above, counsel for the parties have agreed to this request that discovery completion, the date for pre-motion letters and responses and the date of the status conference be extended/adjourned for an indefinite period, pending a further Order of the Court following completion of the outstanding discovery described above.

Thank you for your anticipated consideration of this request.

Respectfully yours,


SHAW, PERELSON, MAY & LAMBERT, LLP

BY: /s/
MARK C. RUSHFIELD, ESQ.

MCR/hs

cc: Caroline B. Lineen, Esq., *Via Email and ECF*
Michael H. Sussman, Esq., *Via Email and ECF*
Angel A. Castro, Esq., *Via Email and ECF*

*The All deadlines are moved back
90 days. The next conference will
be held on 10/8/20, at 2:30*

So Ordered

3/31/20